

### **REMARKS**

This responds to the Office Action dated September 27, 2006.

No claims are amended, canceled, or added; as a result, claims 1-46 are now pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-4, 6, 7, 10, 12-18, 20, 21, 24-26, 30, 32-35, 37-41, 43 and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by **Bardy** (U.S. Patent No. 7,070,562).

#### ***Claim 1***

Applicant has searched the cited portions of Bardy, and is unable to find, among other things, a centralized management system for medical devices which includes a central server coupled to a network which including at least one prescription system for prescribing at least one programmable parameter of a medical device, as recited in claim 1. Applicant has used an electronic search engine to search the entire Bardy disclosure and is unable to find reference to a prescription. Because the Bardy disclosure fails to recite all the elements of claim 1, Applicant respectfully traverses the rejection and requests allowance of the claim.

#### ***Claims 2-4, 6, 7, 10 and 12-14***

Claims 2-4, 6, 7, 10 and 12-14 ultimately depend on claim 1 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

#### ***Claim 15***

Applicant has searched the cited portions of Bardy, and is unable to find, among other things, a centralized server for use in a centralized management system for medical devices which includes at least one prescription system, as recited in claim 15. Because the Bardy disclosure fails to recite all the elements of claim 15, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 16-18, 20, 21, 24*

Claims 16-18, 20, 21, 24 ultimately depend on claim 15 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 25*

Applicant has searched the cited portions of Bardy, and is unable to find, among other things, a medical device programmer for use in a centralized management system for medical devices which includes a network interface for communicating over a network with at least one prescription system residing on a central server and a processor configured to program a medical device using a prescribed programmable parameter, as recited in claim 25. Because the Bardy disclosure fails to recite all the elements of claim 25, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 26, 30 and 32-34*

Claims 26, 30 and 32-34 ultimately depend on claim 25 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 35*

Applicant has searched the cited portions of Bardy, and is unable to find, among other things, a method which includes determining at least one programmable parameter for a medical device based on the at least one characteristic using a prescription system hosted by the central server, as recited in claim 35. Because the Bardy disclosure fails to recite all the elements of claim 35, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 37-41, 43 and 46*

Claims 37-41, 43 and 46 ultimately depend on claim 35 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

Claims 1-3, 6, 10-17, 20, 24-26, 30-41, 43 and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by **Haller** et al. (U.S. 2002/0013613).

*Claim 1*

Applicant has searched the cited portions of Haller, and is unable to find, among other things, a centralized management system for medical devices which includes a medical device programmer coupled to the network and configured to communicate at least one characteristic of a patient to the central server via the network, as recited in claim 1. While Haller does discuss a programmer, it does not discuss it in combination with a central server. *See* paragraph 0085. Also, Haller does not teach a programmer in communication with a computer network. *See* paragraphs 0049 & 0082. Because the Haller disclosure fails to recite all the elements of claim 1, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 2-3, 6 and 10-14*

Claims 2-3, 6 and 10-14 ultimately depend on claim 1 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 15*

Applicant has searched the cited portions of Haller, and is unable to find, among other things, a centralized server in communication with a medical device programmer via a network, as recited in claim 15. While Haller does discuss a programmer, it does not discuss it in combination with a central server. *See* paragraph 0085. Also, Haller does not teach a programmer in communication with a network. *See* paragraphs 0049 & 0082. Because the Haller disclosure fails to recite all the elements of claim 15, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 17, 20 and 24*

Claims 16-18, 20, 21, 24 ultimately depend on claim 15 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 25*

Applicant has searched the cited portions of Haller, and is unable to find, among other things, a medical device programmer, as recited in claim 25. While Haller does discuss a programmer, it does not discuss it in combination with a central server. *See* paragraph 0085. Also, Haller does not teach a programmer in communication with a network. *See* paragraphs 0049 & 0082. Because the Haller disclosure fails to recite all the elements of claim 25, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 26 and 30-34*

Claims 26 and 30-34 ultimately depend on claim 25 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 35*

Applicant has searched the cited portions of Haller, and is unable to find, among other things, a method which includes determining at least one characteristic of a patient at a programmer, as recited in claim 35. While Haller does discuss a programmer, it does not discuss it in combination with a central server. *See* paragraph 0085. Also, Haller does not teach a programmer in communication with a computer network. *See* paragraphs 0049 & 0082. Because the Haller disclosure fails to recite all the elements of claim 35, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 37-41, 43 and 46*

Claims 37-41, 43 and 46 ultimately depend on claim 35 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

Claims 1-3, 6, 10, 12-17, 20, 24-26, 30, 32-35, 37-41, 43 and 46 were rejected under 35 U.S.C. § 102(e) as being anticipated by **Snell** (U.S. Patent No. 6,249,705).

*Claim 1*

Applicant has searched the cited portions of Snell, and is unable to find, among other things, a centralized management system for medical devices which includes a central server coupled to a network which including at least one prescription system for prescribing at least one programmable parameter of a medical device, as recited in claim 1. Applicant has used an electronic search engine to search the entire Snell disclosure and is unable to find reference to a prescription. Because the Snell disclosure fails to recite all the elements of claim 1, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 3, 6, 10 and 12-14*

Claims 3, 6, 10 and 12-14 ultimately depend on claim 1 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 15*

Applicant has searched the cited portions of Snell, and is unable to find, among other things, a centralized server for use in a centralized management system for medical devices which includes at least one prescription system, as recited in claim 15. Because the Snell disclosure fails to recite all the elements of claim 15, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 16-17, 20 and 24*

Claims 16-17, 20 and 24 ultimately depend on claim 15 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 25*

Applicant has searched the cited portions of Snell, and is unable to find, among other things, a medical device programmer for use in a centralized management system for medical devices which includes a network interface for communicating over a network with at least one prescription system residing on a central server and a processor configured to program a medical device using a prescribed programmable parameter, as recited in claim 25. Because the Snell disclosure fails to recite all the elements of claim 25, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 26, 30 and 32-34*

Claims 26, 30 and 32-34 ultimately depend on claim 25 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

*Claim 35*

Applicant has searched the cited portions of Snell, and is unable to find, among other things, a method which includes determining at least one programmable parameter for a medical device based on the at least one characteristic using a prescription system hosted by the central server, as recited in claim 35. Because the Snell disclosure fails to recite all the elements of claim 35, Applicant respectfully traverses the rejection and requests allowance of the claim.

*Claims 37-41, 43 and 46*

Claims 37-41, 43 and 46 ultimately depend on claim 35 and are believed to be allowable at least for the reasons cited for that claim. Applicant respectfully traverses rejection of the claims and requests their allowance.

§103 Rejection of the Claims

Claims 4, 7, 18 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Haller et al. (U.S. 2002/0013613) or Snell (U.S. Patent No. 6,249,705).

*Claims 4 and 7*

Claims 4 and 7 depend ultimately on claim 1, and are believed to be allowable at least for the reasons stated previously for claim 1. Additionally, the Rejection fails to provide a teaching, motivation, or suggestions for the combination of Haller and Snell to achieve “multiple expert and/or custom prescription systems” as recited in the Rejection. As discussed above, Haller fails to provide, among other things, any programmer, as recited in claim 1 of the present application. Applicant respectfully asserts that Haller indeed teaches away from using a programmer. Paragraph 0082 of the Haller reference states that “communication module 100 and mobile telephone supplant, eliminate or reduce the requirement for a conventional implantable medical device programmer....” Applicant asserts that this is a teaching away of the use of a programmer. As such, Applicant traverses the rejection and respectfully requests allowance of the claim.

*Claims 18 and 21*

Claims 18 and 21 depend ultimately on claim 15, and are believed to be allowable at least for the reasons stated previously for claim 15. Additionally, the Rejection fails to provide a teaching, motivation, or suggestions for the combination of Haller and Snell to achieve “multiple expert and/or custom prescription systems” as recited in the Rejection. As discussed above, Haller fails to provide, among other things, any programmer, as recited in claim 15 of the present application. Applicant respectfully asserts that Haller indeed teaches away from using a programmer. Paragraph 0082 of the Haller reference states that “communication module 100 and mobile telephone supplant, eliminate or reduce the requirement for a conventional implantable medical device programmer....” Applicant asserts that this is a teaching away of the use of a programmer. As such, Applicant traverses the rejection and respectfully requests allowance of the claim.

*Reservation of the Right to Swear Behind References*

Applicant maintains its right to swear behind any references which are cited in a rejection under 35 U.S.C. 102(a), 102(e), 103/102(a), and 103/102(e). Statements distinguishing the claimed subject matter over the cited references are not to be interpreted as admissions that the references are prior art.

*Allowable Subject Matter*

Claims 5, 8, 9, 19, 22, 23, 27-29, 42, 44 and 45 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.



**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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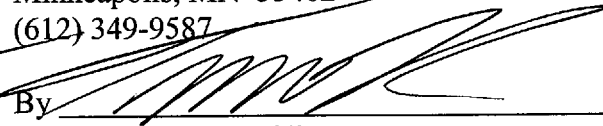
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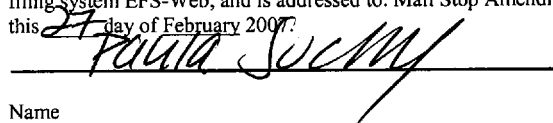


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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 27 day of February 2007.

Name



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